



## **Arkansas Parole Board**

**Two Union National Plaza Building  
105 West Capitol; 5<sup>th</sup> Floor  
Little Rock, AR 72201-5731  
(501) 682-3850 Fax: (501) 683-5381**

### **ADMINISTRATIVE DIRECTIVE: 10-01 Grievance Procedures**

**TO: ARKANSAS PAROLE BOARD**

**FROM: LEROY BROWNLEE, CHAIRMAN**

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**SUPERSEDES: N/A**

**APPROVED: SIGNATURE ON FILE**

**EFFECTIVE DATE: March 25, 2010**

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### **PURPOSE**

A Grievance procedure is established to provide employees with a prompt review, impartial consideration and an equitable disposition of their grievances. Any employee who presents a grievance or complaint in good faith and in a reasonable manner shall be free from restraint, interference, discrimination or reprisal.

This procedure is intended to encourage employees to discuss problems with their supervisors, thereby providing a basis to talk over matters of mutual interest, to explain, to reach agreement, to make adjustments if necessary, and to foster better understanding between employees and supervisors.

Such discussion will lead to better employee/supervisor understanding of policies, procedures and practices.

If federal regulations or internal policy requires that Equal Employment Opportunity (EEO) complaints and grievances are addressed through separate procedures, then the Agency may modify and use this procedure.

### **POLICY**

It is the policy of this Agency that all employees be given the opportunity, through established steps and procedures, to resolve complaints or grievance in a timely manner which they believe adversely affect their employment or working conditions. If the matter of such grievance is the subject of pending litigation or administrative review, external to the Agency procedure or State Grievance Review Committee or State Employee Grievance Appeal Panel, the internal grievance procedure shall cease.

It is also our policy that reasonable efforts be made to settle complaints or grievances as quickly as possible. Direct contact on a one to one basis between supervisor and employee has always been a policy of this Agency and thus the grievance procedure is not intended, nor will it be allowed to become a barrier to the supervisor/employee relationship.

Employees should submit only grievances made in good faith, expressed in reasonable terms, containing causes for the grievance, corrective action desired and sufficient information upon which to base these decisions.

Access to this procedure does not create any expectation of continued employment, but provides an avenue of review and resolution of internal situations.

## **DEFINITIONS**

1. **EMPLOYEE** – an individual who is a non-probationary, full time employee of the Arkansas Board of Parole who occupies a regular salaried position and who works a minimum of 1000 hours per year; provided, however, that this policy shall not apply to employees who are on initial new probationary status and the Arkansas Board of Parole Chairman.
2. **GRIEVANCE** – a complaint by an employee regarding an aspect of his or her employment; including, but not limited to, annual leave, sick leave, compensatory time, dismissal, suspension, promotion, demotion, disciplinary actions, discrimination or any other work-related problem except compensation and conditions which are beyond the control of Agency management or are mandated by law.

The State Grievance Review Committee and/or the State Employee Grievance Appeal Panel will not hear complaints concerning performance evaluation unless discrimination is the basis of the complaint. Also, the State Grievance Review Committee and/or the State Employee Grievance Appeal Panel will not hear complaints concerning reduction in force unless discrimination is the basis of the complaint. (Discrimination is one the basis of race, color, sex, age, national origin, religion or disability).

## **PROCEDURE**

It is recognized that supervisors and employees have frequent discussions of work related problems or disagreements. These candid conversations are generally healthy and helpful to both participants and this grievance procedure is not intended to inhibit these exchanges. Before filing a written grievance, an employee is encouraged to discuss with his or her immediate supervisor the employee's problem in order to reach a satisfactory solution to their problem.

If the complaint is sexual harassment, the employee shall not be required to meet with the supervisor alone, if the supervisor is accused of the harassment.

The grievance procedure may be terminated at any stage, should an agreement between parties be reached.

**All grievances and steps in the procedure and any appeal steps shall be processed through the Agency Grievance Office and should be handled in accordance with the following procedures:**

Employees who feel that they have a job related problem are encouraged to contact their immediate supervisor for an informal discussion of the problem. Most problems can be cleared up or resolved at this point. In the even the problem is not resolved by an informal meeting between the employee and the immediate supervisor, the employee shall select the Grievance Officer to assist the employee in

commencing the formal grievance procedure at the appropriate step, as determined by the Grievance Officer.

## **DETERMINATION OF GRIEVABLE MATTERS**

In the event the Grievance Officer and the employee disagree as to whether the matter under consideration is a grievable matter within the scope of these procedures and Executive Order No. 86-1 and/or Executive Order No. 93-1, the Grievance Officer shall request a Determination from the State Grievance Review Committee by filing information concerning the nature of the complaint with the Administrator of the Office of Personnel Management. The employee may file an additional statement concerning the nature of the complaint with the Administrator of the Office of Personnel Management. This statement shall be filed with and attached to the Grievance Officer's request for the Determination. Determination matters include whether the matter is grievable, whether the employee has access to the procedure, and whether the matter is grievable to the State Employee Grievance Appeal Panel.

The Administrator of the Office of Personnel Management shall promptly report to the Grievance Officer and/or the employee, the Committee's decision concerning the Determination. Neither the Administrator of the Office of Personnel Management nor any member of the state Grievance Review Committee shall make any finding at this stage with regard to the merits of such complaint. Their review shall strictly be limited to the determination of whether the complaint consists of a matter which is grievable.

NOTE: Meetings and hearings at all steps of this procedure shall be recorded and if appealed to the State Grievance Review Committee of the State Employee's Grievance Appeal Panel, shall be transcribed and become a portion of the case file record.

**At the conclusion of each step of the procedure, notification of decisions or recommendations will be provided to all parties involved, including the employee's immediate supervisor.**

### **STEP 1**

To initiate this grievance procedure, the employee must submit the grievance in writing to the agency Grievance Officer within five (5) working days of the occurrence of the grievable matter. The Grievance Office will assist the employee in presenting their grievance to the immediate supervisor. The Grievance Officer will contact the immediate supervisor and arrange for a meeting with five (5) working days between the employee and the supervisor with the Grievance Officer present. The supervisor shall submit a decision in writing to the employee and the Grievance Officer within one (1) working day.

### **STEP 2**

If the employee is not satisfied with the results of Step 1, they may within five (5) working days appeal to the Grievance Officer. The Grievance Officer will then submit the matter to the Agency Director. The Grievance Officer will, within three (3) working days, arrange and attend a meeting between the employee and the Chairman or an authorized representative (E.Q. special hearing officer). The hearing officer shall take testimony and accept exhibits. The hearing must be recorded and transcribed and shall become part of the case file, if appealed.

Within three (3) working days, the Chairman shall submit their decision in writing to all parties involved, including the immediate supervisor.

### **STEP 3**

If the employee is not satisfied with the decision of the Chairman, they may, within five (5) working days of receipt of the Chairman's written decision, appeal the Chairman's decision to the State Grievance Review Committee or the State Employee Grievance Appeal Panel.

The Committee or Panel shall conduct whatever review of the grievance it deems necessary. The Panel shall hear grievances concerning allegations of unlawful discrimination, termination, suspension without pay, involuntary demotion and /or failure to award compensatory time. The Committee shall hear all other grievances.

The Committee shall conduct its review and make recommendations to the Director and appealing party (and designated representatives) within ten (10) working days of the appeal.

Within five (5) working days from the date of receipt of the grievant's written appeal the State Personnel Administrator shall set a hearing date. The Panel shall conduct a hearing and make its decision within five (5) days following the conclusion of the hearing. The decision shall be forwarded to the Agency Director, appealing party, representatives of either or both parties and the employee's immediate supervisor. The decision shall be binding on all parties.

### **STEP 4**

If the review body is the State Grievance Review Committee, the Chairman shall review the Committee's recommendations and shall submit within three (3) working days, their decision in writing to all parties, representatives, supervisors involved. The Committee shall be copied on this decision. The decision of the Chairman shall be final and binding on all concerned regarding this matter and procedure, before the Committee.

If the review body is the State Employee Grievance Appeal Panel, the Chairman shall review the Panel's decision and effect implementation of the decision. If the Agency Director does not agree with the Panel's decision, he or she may, within then (10) working days of receipt of the panel's written decision, provide the Chief Fiscal Officer of the State and the aggrieved employee with written justification of the Agency's action and request a formal review of the Panel's decision by the Chief Fiscal Officer. The employee may also submit comments regarding the Chairman's justification to the Chief Fiscal Officer. (Appeals to the Chief Fiscal Officer should be processed by the Agency Grievance Officer or authorized representative). Within fifteen (15) days of receipt of the Chairman's justification and written request for review, the Chief Fiscal Officer shall issue a final administrative order affirming, reversing, or modifying the Panel's decision with such order binding on the Agency.

This, however, does not prohibit employees from availing themselves of remedies outside these procedures. Each employee retains the right to file a complaint with the Equal Employment Opportunity Commission or pursue other legal remedies.

## **DOCUMENTATION**

It shall be the responsibility of the Grievance Officer to file a report of the grievance, the procedures followed and of its ultimate disposition, along with copies of all documentary evidence, with the Agency Personnel Officer within ten (10) working days following final disposition of the grievance. In addition, when an employee commences the formal grievance procedure at any Step, it shall be the responsibility of the Grievance Officer to immediately file a form with the Agency Personnel Officer, listing the name of the employee and of their immediate supervisor; the employing unit, the name of the Grievance Officer, a statement of the nature of the grievance and the date formal proceedings commenced. All documentation relating to an employee grievance which shall be maintained in the Agency Personnel Office shall be placed in a file separate from the employee's personnel file. No information relating to the grievance shall become a part of the employee's permanent personnel record. However, such records shall be maintained in hard copy of five (5) years and permanently in such a manner as may be prescribed in applicable state and federal laws with regard to retention of such records.

## **GRIEVANCE PROCEDURE REVISION POLICY**

The Chairman may revise the Grievance Procedure. However, any changes must be submitted to the Office of Personnel Management for review and approval before becoming effective and will be made public to the employees of the Agency before becoming effective.

\_\_\_\_\_  
Signature on File  
Board Chairman

\_\_\_\_\_  
March 25, 2010  
Effective Date

### **Attachments**

1. ABP Grievance Form
2. Supervisor Response to Grievance
3. Chairman's Decision
4. Employee Appeal to Grievance Review Committee
5. Appeal to State Employee Grievance Appeal Panel
6. Notice to SGRC/SEGAP of Witnesses
7. Employee Acknowledgment

## STEP 1

### Grievance Form Arkansas Board of Parole

This form is to be used by the employee in filing a formal grievance. The forms will be filled in completely and will serve, without amendment, as the source document for the grievance process. All supporting documentation must be attached to this grievance form.

**NAME OF EMPLOYEE:** \_\_\_\_\_ **JOB TITLE:** \_\_\_\_\_

**NAME OF IMMEDIATE SUPERVISOR:** \_\_\_\_\_

**LOCATION OF EMPLOYEE'S WORK:** \_\_\_\_\_

### GRIEVANCE STATEMENT

In order for a formal grievance to be processed, the following four (4) elements must be addressed:  
(Attach additional pages if needed)

(1). what was the date of occurrence and what specific behavior, condition or violation of policy or procedure occurred which you consider constitutes a grievance?

(2). How have you been adversely affected by this grievance situation?

(3). what specific action have you taken to reconcile and improve this situation, including discussing it with your immediate supervisor? What has been the outcome of these efforts?

(4). what specific remedy do you request?

**EMPLOYEE'S SIGNATURE** \_\_\_\_\_ **DATE** \_\_\_\_\_

**ARKANSAS BOARD OF PAROLE  
STEP 2**

**REPLY TO EMPLOYEE GRIEVANCE-IMMEDIATE SUPERVISOR**

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**SUPERVISOR'S SIGNATURE:** \_\_\_\_\_ **DATE:** \_\_\_\_\_

**EMPLOYEE ANSWER:**

- ☐ I accept the answer to my grievance.
- ☐ I do not accept the answer to my grievance and will refer it to the next step.

**NOTE:** EXPLAIN fully why you do not accept the above response/decision.

Grievant's Signature \_\_\_\_\_ Date: \_\_\_\_\_

**ARKANSAS BOARD OF PAROLE  
STEP 3**

**CHAIRMAN'S DECISION**

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\_\_\_\_\_  
**Chairman's Signature**

\_\_\_\_\_  
**Date**

**EMPLOYEE ANSWER:**

- ☐ I accept the answer to my grievance.
- ☐ I do not accept the answer to my grievance and wish to refer my grievance to the State Grievance Review Committee.
- ☐ I do not accept the answer to my grievance and wish to refer my grievance to the State Employee Grievance Appeal Panel.

**NOTE: EXPLAIN** fully why you do not accept the above response/decision.

**Date:** \_\_\_\_\_ **Grievant's Signature:** \_\_\_\_\_



**Arkansas Board of Parole**  
**APPEAL TO GRIEVANCE REVIEW COMMITTEE**

**Date:** \_\_\_\_\_

**Grievance Officer:** \_\_\_\_\_

**Agency:** \_\_\_\_\_ **Arkansas Board of Parole** \_\_\_\_\_

**Employee's Name:** \_\_\_\_\_

**Supervisor's Name:** \_\_\_\_\_

This form is to be used if and when the employee wishes to appeal the Board Chairman's decision on the disposition of a grievance. All questions must be answered.

Who is appealing the grievance? (Include name and job title)

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Why is the grievance decision being appealed?

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**Arkansas Board of Parole**  
**APPEAL**  
**TO STATE EMPLOYEE GRIEVANCE APPEAL PANEL**

**Date:** \_\_\_\_\_

**Grievance Officer:** \_\_\_\_\_

**Agency/Department:** \_\_\_\_\_

**Employee's Name:** \_\_\_\_\_

**Supervisor's Name:** \_\_\_\_\_

This form is to be used if and when the employee wishes to appeal the Board Chairman's decision on the disposition of a grievance. All questions must be answered.

Who is appealing the grievance? (Include name and job title)

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Why is the grievance decision being appealed?

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# ARKANSAS BOARD OF PAROLE

**MIKE BEEBE**  
Governor



**LEROY BROWNLEE**  
Chairman

Two Union National Plaza Building  
105 West Capitol – Suite 500  
Little Rock, AR 72201  
PHONE (501) 682-3850 FAX (501) 682-3860

## MEMORANDUM

TO: SGRC/SEGAP Hearing Coordinator  
Office of Personnel Management

FROM: Richard Mays, Jr, Grievance Officer  
Arkansas Board of Parole  
105 W. Capitol, Suite 500  
Little Rock, AR 72201

DATE: \_\_\_\_\_

RE: Witness for Schedule Hearing.

The following persons will be called as witnesses for the \_\_\_\_\_ case.

Witnesses for Employee:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

Witnesses for Supervisor/Agency:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_
6. \_\_\_\_\_
7. \_\_\_\_\_

## Employee Acknowledgement of AD 10-01 Grievance Procedures

Please acknowledge by signing that you have read and understood AD 10-01 Grievance Procedures.

All employees or officials of the Arkansas Parole Board are responsible for complying with all pertinent policies. The Fiscal Support Supervisor/Fiscal Support Analyst will place a signed copy of this form in your personnel file.

This form must be signed and returned within five days of receipt.

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**PRINT NAME**

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**SIGNATURE**

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**DATE**

**Supervisor Confirmation:**

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**PRINT NAME**

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**SIGNATURE**

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**DATE**